

## REMARKS

This Response is submitted in reply to the Office Action dated November 2, 2005, and in accordance with the personal interview conducted with the Examiner on January 31, 2006. Claims 1, 61 and 62 have been amended. No new matter has been added by any of these amendments. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

A Petition for a Two Month Extension of Time to file this Response is submitted herewith along with a Supplemental Information Disclosure Statement (IDS). A check in the amount of \$630.00 is submitted herewith to cover the cost of the two-month extension and the Supplemental IDS. Please charge Deposit Account No. 02-1818 for any insufficiency of payment or credit any overpayment.

Applicants thank the Examiner for courteously granting the personal interview on January 31, 2006. The following remarks constitute Applicants' written statement as to the substance of the interview.

The Office Action rejected Claims 1, 3, 4, 6, 61 and 62 under 35 U.S.C. § 102(e) as being anticipated by Locke, et al. (U.S. Patent No. 6,561,904; hereafter "Locke"). The Office Action rejected Claims 2, 5, 40 and 44 under 35 U.S.C. §103(a) as being obvious over Locke.

The Office Action stated that the Affidavit of Anthony J. Baerlocher, which was submitted by Applicants in the Response to Office Action mailed on July 13, 2004, is not effective to overcome Locke. The Office Action takes the position that the present application is claiming the same subject matter as Locke. Applicants respectfully disagree. Nevertheless, to expedite prosecution of this application, independent claims 1, 61 and 62 have been further amended to further ensure that those claims are not claiming the same subject matter as Locke. As described below, all of the claims of Locke require the group of possible payout multiplier to vary with the respective outcomes.

More specifically, Claims 1, 9, 13, 14 and 15 of Locke are set forth below.

1. A method of conducting a game of chance on a gaming machine controlled by a processor, comprising:  
receiving a wager from a player;  
randomly selecting a plurality of outcomes;  
representing the outcomes with respective successive selections of game indicia;  
**selecting a payout multiplier for each of the respective outcomes from a group of possible payout multipliers, the group of possible payout multipliers varying with the respective outcomes;**  
awarding payouts for the respective outcomes according to a pay table; and  
multiplying each payout by the respective selected payout multiplier.

9. A method of conducting a game of chance on a gaming machine controlled by a processor, comprising:  
receiving a wager from a player;  
randomly selecting a primary game outcome from a plurality of possible primary game outcomes;  
in response to the primary game outcome being a bonus triggering outcome, randomly selecting a plurality of secondary game outcomes;  
representing the secondary game outcomes with respective successive free spins of a plurality of symbol-bearing reels, wherein in each free spin the reels are rotated and stopped to place symbols on the reels in visual association with a symbol array;  
**selecting a payout multiplier for each of the respective secondary game outcomes from a group of possible payout multipliers, the group of possible payout multipliers varying with the respective secondary game outcomes;**  
awarding payouts for the respective secondary game outcomes according to a pay table; and  
multiplying each payout by the respective selected payout multiplier.

13. A method of conducting a game of chance on a gaming machine controlled by a processor, comprising:  
receiving a wager from a player;  
randomly selecting a plurality of outcomes;  
representing the outcomes with respective successive spins of a plurality of symbol-bearing reels, wherein in each spin the reels are rotated and stopped to place symbols on the reels in visual association with a symbol array;  
**selecting a payout multiplier for each of the respective**

**outcomes from a group of possible payout multipliers, the group of possible payout multipliers varying with the respective outcomes;**  
awarding payouts for the respective outcomes according to a pay table; and  
multiplying each payout by the respective selected payout multiplier.

14. A gaming machine controlled by a processor in response to a wager, comprising:  
means for randomly selecting a plurality of outcomes;  
means for representing the outcomes with respective successive selections of game indicia;  
**means for selecting a payout multiplier for each of the respective outcomes from a group of possible payout multipliers, the group of possible payout multipliers varying with the respective outcomes;**  
means for awarding payouts for the respective outcomes according to a pay table; and  
means for multiplying each payout by the respective selected payout multiplier.

15. A gaming machine controlled by a processor in response to a wager, comprising:  
means for randomly selecting a plurality of outcomes;  
means for representing the outcomes with respective successive spins of a plurality of symbol-bearing reels, wherein in each spin the reels are rotated and stopped to place symbols on the reels in visual association with a symbol array;  
**means for selecting a payout multiplier for each of the respective outcomes from a group of possible payout multipliers, the group of possible payout multipliers varying with the respective outcomes;**  
means for awarding payouts for the respective outcomes according to a pay table; and  
means for multiplying each payout by the respective selected payout multiplier.

As indicated in bold above, all of the claims in Locke include a payout multiplier selected from a group of possible payout multipliers where the group of possible payout multipliers varies with the respective outcomes. (See also Col. 1, lines 56-62). Therefore, the payout multipliers claimed in Locke are selected from varying groups of

multipliers. The selection of the multiplier for each outcome is independent of the selection of the multiplier for each previous outcome. Amended independent claims 1 and 61 each recite a plurality of multipliers associated with free spins of reels, wherein at least a first one of the multipliers and a second different one of the multipliers are picked during the free spins of the reels and wherein a value of the second different multiplier is predetermined based on a value of the first multiplier being previously picked. Similarly, amended independent claim 62 recites a plurality of multipliers associated with free spins of bonus reels, wherein a processor determines an award, if any, to provide to the player based upon the bonus symbols occurring on the bonus reels after each free spin and the multiplier associated with each free spin where a value of the multiplier changes at least once by a predetermined amount during a plurality of free spins of bonus reels based on a value of the previous multiplier. Accordingly, Locke does not claim the same subject matter as independent claims 1, 61 and 62 (and dependent claims 3, 4 and 6) and the amended independent claims 1, 61 and 62 are patentably distinguished over Locke for the reasons given below.

Locke discloses a slot machine including a base game and a free spin feature. The free spin feature is triggered upon the occurrence of a special start-feature symbol or a special combination of symbols on the reels in the base game. When the free spin feature is triggered, the slot machine provides a plurality of free spins to the player. The slot machine also displays a group of multipliers to be selected. Before each free spin, the slot machine randomly selects one of the multipliers in the group. Selected multipliers are removed from the group for subsequent free spins. The reels are activated and if a winning outcome occurs, the award associated with the winning outcome is multiplied by the selected multiplier for that free spin. The random selection of the multiplier for each free spin is independent of the selection of the multiplier for each previous free spin. Accordingly, the random and independent selection for each free spin is not based on values of multipliers selected in previous free spins. As a result, multipliers having a same or lesser value are available to be selected during subsequent free spins.

Independent claim 1 includes, among other elements, a processor which determines an award, if any, to provide to the player for each free spin based upon the symbols occurring on the reels from the free spin and based on one of the multipliers picked from the plurality of multipliers, wherein at least a first one of the multipliers and a second different one of the multipliers are picked during the plurality of free spins of the reels and wherein a value of the second different multiplier is predetermined based on a value of the first multiplier being previously picked. Locke does not disclose, teach, suggest or claim this combination. In Locke, the selection of the multiplier for each free spin is independent of the selection of the multiplier for each previous free spin and the values of the multiplier for each free spin are not based on values of multipliers selected in previous free spins. Accordingly, independent claim 1 and its dependent claims 2 to 6 are patentably distinguished over Locke and in condition for allowance.

Similarly, independent claim 61 includes, among other elements, a processor that determines an award, if any, to provide to the player for each free spin based on the symbols occurring on the reels from the free spin and a picked one of the multipliers associated with the free spin, wherein at least a first one of the multipliers and a second different one of the multipliers are picked during the plurality of free of the reels, and wherein a value of the second different multiplier is predetermined based on a value of the first multiplier being previously picked. Locke does not disclose or claim this combination. In Locke, the selection of the multiplier for each free spin is independent of the selection of the multiplier for each previous free spin and the values of the multiplier for each free spin are not based on values of multipliers selected in previous free spins. Accordingly, independent claim 61 and is patentably distinguished over Locke and in condition for allowance.

Independent claim 62 includes, among other elements, a processor which controls a plurality of base and bonus reels, whereupon the occurrence of a triggering event on the base reels, the processor initiates the bonus game, provides a plurality of free spins of the bonus reels to a player, and determines an award, if any, to provide to the player based upon the bonus symbols occurring on the bonus reels after each free

spin and the multiplier associated with each free spin where a value of the multiplier changes at least once by a predetermined amount during the free spins of the bonus reels based on a value of the previous multiplier. Locke does not disclose or claim this combination. In Locke, the selection of the multiplier for each free spin is independent of the selection of the multiplier for each previous free spin and the values of the multiplier for each free spin are not based on values of multipliers selected in previous free spins. Furthermore, in Locke, the value of the multiplier does not change at least once by a predetermined amount during the free spins of the bonus reels based on a value of the previous multiplier. Accordingly, independent claim 62 and is patentably distinguished over Locke and in condition for allowance.

Dependent claims 40 and 44 were rejected as being anticipated by Locke although independent claim 39, from which claims 40 and 44 depend, was not rejected as being anticipated by Locke. Independent claim 39 includes, among other elements a secondary game which includes a plurality of reels, a plurality of symbols on the reels, a plurality of free spins of the reels and a multiplier associated with each free spin of the reels wherein at least one of the multipliers is determined based on the symbols that occur on the reels in at least one of the free spins of the secondary game. Locke does not disclose, teach or suggest a multiplier associated with each free spin of the reels wherein at least one of the multipliers is determined based on the symbols that occur on the reels in at least one of the free spins of the secondary game. Locke teaches a random selection of the multiplier, not a multiplier selected based on the symbols which occur on the reels in the free spins. Accordingly, independent claim 39 and its dependent claims 40 and 44 are patentably distinguished over Locke and in condition for allowance.

The Office Action rejected Claims 7 to 39, 41 to 43 and 45 to 60 under 35 U.S.C. § 103(a) as being unpatentable over Locke, et al. in view of Wilson, Jr., et al. (U.S. Patent No. 6,004,207; hereafter "Wilson, Jr.").

As described above, Locke discloses a slot machine including a base game and a free spin feature. During the free spin feature, the slot machine provides a plurality of free spins to the player and randomly selects a multiplier for each free spin. The multiplier of Locke is randomly and independently selected for each free spin. The Office Action stated that Locke is silent regarding the inclusion of an incrementor symbol and relies on Wilson, Jr. to teach the incrementor symbol. As described in the Office Action, Wilson, Jr. teaches a slot machine with an incremental pay-off multiplier that appears on reels of the slot machine during a primary game and increases a multiplier by a fixed or random amount to provide a significant incentive for a player to continue to play the slot machine. The multiplier of Wilson, Jr. is increased for every ten power point symbols that appear on the reels in a primary game (col. 5, lines 43-48). Only nine power point symbols are possible for each spin of the reels (col. 5, lines 25-30) which do not constitute enough power point symbols to increase the multiplier in any one spin of the reels.

The Office Action stated that a person of ordinary skill in the art at the time of the invention would be motivated to employ the multiplier symbol of Wilson, Jr. as one of the symbols in Locke in order to provide increased excitement and anticipation of the game as taught by Wilson, Jr. Applicants respectfully disagree and submit that the proposed modification of employing the incrementing multiplier or power point symbol of Wilson, Jr. to the gaming device of Locke is a product of impermissible hindsight since the incrementing multiplier of Wilson, Jr. teaches away from and destroys the random and independent selection of multipliers taught by Locke. In Locke, the free spin feature or secondary game is triggered when a symbol or combination of symbols appears on the reels and multipliers are randomly selected for and vary with respective outcomes of the free spin feature. In Wilson, Jr. the incrementing multiplier is increased based on a predetermined number of symbols appearing in a primary game of a slot machine. Modifying the gaming device of Locke to include the incrementing multiplier for a primary game, as taught by Wilson, Jr. and as proposed by the Office Action, would require substantial change to the free spin feature of Locke. Such modification is not

taught or suggested in either Locke or Wilson, Jr. One skilled in the art at the time of the invention would not be motivated to make the proposed modification because it would destroy the random selection of multipliers in the free spin feature taught by Locke. Even if the incrementing multiplier could be employed in the primary game of Locke, the resulting gaming device or method would function substantially as the free spin feature taught by Locke functions in that multipliers would be randomly selected for each free spin.

Applicants respectfully submit that regardless of whether it would have been obvious to modify Locke to employ the multiplier symbol of Wilson, Jr., neither Locke or Wilson, Jr. individually, nor the gaming device or method resulting from the proposed combination of Locke and Wilson, Jr. teach, disclose or suggest an incrementor symbol as recited in independent claims 31 and 58. Independent claim 31 recites an incrementor symbol included in secondary symbols of a plurality of secondary reels displayed to a player in a secondary game and a processor which controls the secondary reels and increases the multiplier associated with each subsequent free spin of the secondary reels when one or more of the incrementor symbols occurs on the secondary reels in the free spins. Similarly, independent claim 58 recites determining whether an incrementor symbol appears on the reels, increasing a multiplier if the incrementor symbol appears on the reels, modifying the award using the multiplier and repeating at least these steps until there are no free spins remaining. The proposed combination of Locke and Wilson, Jr. does not teach or suggest this combination. By sharp contrast, the proposed combination of Locke and Wilson, Jr. teaches increasing the multiplier for every ten power point symbols that appear on the reels. In the proposed combination, the multiplier is not increased for every power point symbol that appears on the reels in a bonus game and thus the power point symbol for the incrementing multiplier of Wilson, Jr. cannot be characterized as an incrementor symbol recited in independent claims 31 and 58. Accordingly, Applicants respectfully submit that independent claims 31 and 58 are patentably distinguished over the proposed combination of Locke and Wilson, Jr. and in condition for allowance.



Neither Locke or Wilson, Jr. individually, nor the gaming device resulting from the proposed combination of Locke and Wilson, Jr. teach, disclose or suggest increasing a multiplier after each free spin or reel event, as recited in independent claims 17, 52 and 53. Independent claims 17, 52 and 53 recite that each subsequent multiplier is greater than or increased from each previous multiplier in each play, round or reel event of a bonus game. Specifically, independent claim 17 recites, among other elements, a bonus round including a plurality of free spins of the reels, a plurality of multipliers associated with the free spins of the reels, wherein the multiplier associated with each free spin of the reels after a first free spin of the reels is greater than the multiplier associated with each free spin of the reels that precedes each free spin of the reels in each play of the bonus round. Similarly, independent claim 52 recites a secondary game which includes a plurality of symbols, a plurality of reel events employing the symbols and a different multiplier associated with each reel event, and a processor that for each and every reel event increases the multiplier after that reel event for every subsequent reel event. Similarly, independent claim 53 recites, among other elements, modifying the award, if any, using a multiplier, providing the award to the player, increasing the multiplier after each free spin in each play of a bonus game for each subsequent free spin and repeating at least these steps until there are no free spins remaining. The proposed combination of Locke and Wilson, Jr. does not teach or suggest increasing the multiplier in each play, round or reel event of a bonus game as recited in independent claims 17, 52 and 53. By sharp contrast, the proposed combination teaches increasing the multiplier for every ten power point symbols that appear on the reels when only nine power point symbols are possible for any one spin of the reels (col. 5, lines 25-30 in Wilson, Jr.). Accordingly, Applicants respectfully submit that independent claims 17, 52 and 53 are patentably distinguished over the proposed combination of Locke and Wilson, Jr. and in condition for allowance.

Neither Locke or Wilson, Jr. individually, nor the gaming device resulting from the proposed combination of Locke and Wilson, Jr. teach, disclose or suggest a multiplier

associated with each free spin of the reels wherein at least one of the multipliers is determined based on the symbols that occur on the reels in at least one of the free spins of the secondary game, as recited in independent claim 39. Specifically, independent claim 39 includes, among other elements a secondary game which includes a plurality of reels, a plurality of symbols on the reels, a plurality of free spins of the reels and a multiplier associated with each free spin of the reels wherein at least one of the multipliers is determined based on the symbols that occur on the reels in at least one of the free spins of the secondary game. The proposed combination does not teach or suggest this combination. By sharp contrast, the proposed combination of Locke and Wilson, Jr. teaches a multiplier based on the symbols which occur in a primary game as taught by Wilson, Jr. or a multiplier randomly and independently selected in the free spins as taught by Locke. Accordingly, Applicants respectfully submit that independent claim 39 is patentably distinguished over the proposed combination of Locke and Wilson, Jr. and in condition for allowance.

Dependent claims 7 to 16 and 18 to 30 were rejected as being unpatentable over Locke in view of Wilson, Jr. although independent claim 1, from which claims 7 to 16 depend, was not rejected as being unpatentable over Locke in view of Wilson, Jr. Independent claim 1 includes, among other elements, a processor which determines an award, if any, to provide to the player for each free spin based upon the symbols occurring on the reels from the free spin and based on one of the multipliers picked from the plurality of multipliers, wherein at least a first one of the multipliers and a second different one of the multipliers are picked during the plurality of free spins of the reels and wherein a value of the second different multiplier is picked based on a value of the first multiplier being previously picked. The proposed combination of Locke and Wilson, Jr. does not teach or suggest this combination. By sharp contrast, the proposed combination of Locke and Wilson, Jr. teaches or suggests a random selection of the multiplier for each free spin that is independent of the selection of the multiplier for each previous free spin. Accordingly, Applicants respectfully submit that independent claim 1

is patentably distinguished over the proposed combination of Locke and Wilson, Jr. and in condition for allowance.


Claims 7 to 16, 18 to 38, 41 to 43, 45 to 51, 54 to 57, 59 and 60 depend from one of independent claims 1, 17, 39, 52, 53 and 58 are also allowable for the reasons given above with respect to those independent claims, and because of the additional features recited in these claims.

An earnest endeavor has been made to place this application in condition for formal allowance and in the absence of more pertinent art such action is courteously solicited. If the Examiner has any questions regarding this Reply, Applicants respectfully request that the Examiner contact the undersigned.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY:



Adam H. Masia

Reg. No. 35,602

Customer No. 29159

Dated: March 15, 2006